

**2009 DRAFTING REQUEST**

**Senate Amendment (SA-SB447)**

Received: **02/10/2010**

Received By: **agary**

Wanted: **As time permits**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Danielle Wilson**

This file may be shown to any legislator: **NO**

Drafter: **agary**

May Contact:

Addl. Drafters:

Subject: **Transportation - highways**  
**Transportation - other**

Extra Copies: **CMH**

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.wisconsin.gov**

Carbon copy (CC:) to: **aaron.gary@legis.wisconsin.gov**

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**Pre Topic:**

No specific pre topic given

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**Topic:**

DOT positions

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**Instructions:**

See attached

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**Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>      | <u>Reviewed</u>        | <u>Typed</u>           | <u>Proofed</u> | <u>Submitted</u>      | <u>Jacketed</u>       | <u>Required</u> |
|--------------|---------------------|------------------------|------------------------|----------------|-----------------------|-----------------------|-----------------|
| /?           |                     |                        |                        |                |                       |                       |                 |
| /1           | agary<br>02/10/2010 | csicilia<br>02/10/2010 | jfrantze<br>02/10/2010 | _____          | cduerst<br>02/10/2010 | cduerst<br>02/10/2010 |                 |

FE Sent For:

**<END>**

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|--------------|----------------|-----------------|--------------|----------------|------------------|-----------------|-----------------|
| /?           | agary          | 1/5 2/10<br>10  |              | 2/10           |                  |                 |                 |

FE Sent For:

<END>

**Gary, Aaron**

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**From:** Wilson, Danielle  
**Sent:** Wednesday, February 10, 2010 10:09 AM  
**To:** Gary, Aaron; Hanaman, Cathlene  
**Cc:** Sklansky, Ron  
**Subject:** RE: SB 447 question

I'm sorry—how about department-wide, excluding highway maintenance and annual reporting, beginning January 1, 2011.

**Danielle Wilson**

Office of Senator Julie Lassa  
P.O. Box 7882  
Madison, WI 53707-7882  
(608) 266-3123  
danielle.wilson@legis.wisconsin.gov

---

**From:** Gary, Aaron  
**Sent:** Wednesday, February 10, 2010 10:02 AM  
**To:** Wilson, Danielle; Hanaman, Cathlene  
**Cc:** Sklansky, Ron  
**Subject:** RE: SB 447 question

Thanks Danielle. The amendment will be LRBa1509 and I should be able to wrap it up shortly. Two questions: First, is it your intent that "outsourced work" cover only highway design and engineering work? (As I mentioned in my prior e-mail, you don't want to include such things as highway maintenance, typically outsourced to counties, do you?) Second, by "a report" do you mean one report? Or do you want reporting to be either quarterly or annually?

Thanks. Aaron

Aaron R. Gary  
*Attorney, Legislative Reference Bureau*  
608.261.6926 (voice)  
608.264.6948 (fax)  
aaron.gary@legis.state.wi.us

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**From:** Wilson, Danielle  
**Sent:** Wednesday, February 10, 2010 9:57 AM  
**To:** Gary, Aaron; Hanaman, Cathlene  
**Cc:** Sklansky, Ron  
**Subject:** RE: SB 447 question

Hi Aaron,

02/10/2010

Thank you. A separate amendment that includes the following would be very helpful:

DOT shall make all reasonable efforts to ensure that outsourced work performed by the department not exceed 50 percent by 2012 and not exceed 30 percent by 2014, and then require a report to JFC.

**Danielle Wilson**

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P.O. Box 7882

Madison, WI 53707-7882

(608) 266-3123

danielle.wilson@legis.wisconsin.gov

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**From:** Gary, Aaron

**Sent:** Wednesday, February 10, 2010 9:35 AM

**To:** Wilson, Danielle; Hanaman, Cathlene

**Cc:** Sklansky, Ron

**Subject:** RE: SB 447 question

Hi Danielle,

Unfortunately there have been a number of amendment requests received this morning and needed this morning, so I apologize for the delay in getting back to you.

I can draft something along these lines: DOT shall make all reasonable efforts to ensure that outsourced work performed by the department not exceed 50 percent by 2012, and then require a report to JFC. If this isn't strong enough, it could simply state DOT shall ensure that ....., but of course this brings us back to the discussions of last week.

The language how the legislature opposes and legislative intent, etc. is inappropriate for a bill. A resolution could be drafted along those lines if you like. It is our drafting policy not to put such statements of legislative intent into bills unless specific circumstances apply and the Chief of the LRB approves it.

Do you want me to proceed as outlined in the second paragraph above? And if so, is this a redraft of LRBa1342 or a separate amendment? Finally, if you want me to proceed with drafting, I need to know exactly what kind of work you are talking about? DOT outsources most of its maintenance activities to local governments - I imagine that is not what you have in mind. Are you talking only about highway design and engineering work, or other work too?

Thanks. Aaron

Aaron R. Gary

*Attorney, Legislative Reference Bureau*

608.261.6926 (voice)

608.264.6948 (fax)

aaron.gary@legis.state.wi.us

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**From:** Wilson, Danielle

**Sent:** Wednesday, February 10, 2010 8:09 AM

**To:** Gary, Aaron; Hanaman, Cathlene

**Cc:** Sklansky, Ron

02/10/2010

**Subject:** SB 447 question

Hi Aaron and Cathlene,

We had discussions last week about compelling DOT to fill its vacant positions, which we understand now there is no (feasible) way to do so. Senator Lassa is wondering now if it is possible to include language that says something along the lines of "the legislature opposes the DOT from serving as an oversight-only agency and it is the legislature's intent/goal that outsourced work performed for the department be limited to no more than 50% by 2012," and then require the DOT to report to Joint Finance Committee quarterly (or some time frame) to explain how they are meeting this goal?

Thanks!

**Danielle Wilson**

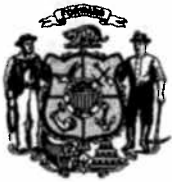
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State of Wisconsin  
2009 - 2010 LEGISLATURE

(New)

in 2/10

LRBa1509/1

ARG:.....

(gjs)

SENATE AMENDMENT ,  
TO 2009 SENATE BILL 447 ✓

billist

Editors : I drafted it this way to avoid overlapping with the other amdt.

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At the locations indicated, amend the bill as follows:

1. Page 24, line 24: before that line insert:

"SECTION 26w. 84.01 (36) of the statutes is created to read:

84.01 (36) DEPARTMENT WORKLOAD RETENTION GOALS AND REPORTS. (a) Beginning on January 1, 2011, the department shall make all reasonable efforts to ensure the following:

1. That, by January 1, 2012, not more than 50 percent of work for which the department has responsibility, other than highway maintenance work, is outsourced to persons not employed by the department.

2. That, by January 1, 2014, not more than 30 percent of work for which the department has responsibility, other than highway maintenance work, is outsourced to persons not employed by the department.

(b) The department shall submit annual reports to the joint committee on finance explaining its actions taken to meet, and the status of its progress in meeting, the goals specified in par. (a).".

**(END)**

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1509/1dn

ARG:f:....

qjs

- Date -

As we have discussed in the past, a brief provision related to target workload retention goals for an agency leaves many unanswered questions. For example, how is the 50 percent calculated? If it is an agency-wide goal, will significant areas where DOT does not outsource, such as state patrol, cancel the intended effect of the provision? I recall discussion of some of these issues in the past. Were there more time, we could address some of them again.

✓

✓

Aaron R. Gary  
Legislative Attorney  
Phone: (608) 261-6926  
E-mail: aaron.gary@legis.wisconsin.gov



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRBa1509/ldn  
ARG:cjs:jf

February 10, 2010

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